

1893-013  
Lee Co.

Chancery Cause: Charles E. Baylor vs. George H. Wilbourne &c

Henegar

CA - Debt  
T - Property



To the Hon. J. S. K. Morison Judge of the Circuit  
Court of Lee County Virginia:

Humbly complaining your Orator Charles E.  
Raylor a citizen of said county. Would respectfully rep-  
resent, That on the 14th day of November 1891 he obtained  
two judgments at law, before one by mesd. J. Taylor, a Justice  
of the Peace for said County, against one George H. Wilburne  
likewise a citizen of said County, amounting in the  
aggregate to \$37.54 and said judgments are herewith  
filed as parts hereof marked (A & B) respectively

By the first of said judgments your Orator recovered  
against said Wilburne \$25.88 of principal money and \$1.00 for cost  
and by the second \$6.66 of principal money and one dollar for costs  
amounting as before stated to \$37.54

Your Orator states, that the said Justice of the Peace at the  
time he rendered said two judgments, neglected and failed  
to give him interest upon the two principal sums for  
which he so rendered judgment, as was his duty to do, at  
least from the day of the rendition thereof, and since  
said judgments were rendered on the 14th day of Nov.  
1891, your Orator alleges that he is entitled to interest  
on \$35.54 the principal of said two judgments, from Nov. the  
14 1891 till paid.

Your Orator states that Executions were issued upon  
said two judgments at law by the said Justice who rendered  
the same, and that they went into the hands of one  
J. M. Thompson a constable of the said County, who under  
return thereon, "No personal property found."

Your Orator states that the whole of said two judgments  
is now due and owing to him from said Geo. H. Wilburne  
no part thereof ever having been paid by him or any one else

Your Orator states that said George H. Wilburne is the  
owner of <sup>two small</sup> a small tract of land <sup>adjoining each other</sup> on which he now lives  
containing about 28 acres more or less, and lies about



Twelve miles west of Jonesville and adjoin the lands  
of N. H. Morgan & others.

Your Orator states that said land was conveyed to  
said Wilburson by said Morgan but that said Wilburson  
for reasons known to himself, has neglected and failed  
to have his said deed of conveyance recorded:

Your Orator now states, that the said two judgments  
at law due him from said Wilburson operate under an  
statute as liens upon said tract of land, and that the  
same will not in 5 years time out for a sum sufficient  
to pay said judgments at law and the costs of suit and  
renting and that it is the province of a court of Equity  
to enforce liens like this, by decreeing said lands to be  
sold to pay said judgments and costs, and to attain that  
end is the object of this bill:

The premises considered Your Orator prays that the  
said George H. Wilburson and N. H. Morgan be made defendants  
to this bill and be required to answer the same on oath  
and upon a hearing thereof a decree be entered against  
said G. H. Wilburson in favor of your Orator for \$37.54 with  
legal interest on \$35.54 from Nov. 14 1891 till paid and the  
costs, and that said small tract of land be decreed to  
be sold to pay the same, and if in any wise mistaken  
in this his Special prayer then your Orator prays  
for all general relief. May the Commonwealth  
writ of Habeas corpus directed &c.

Henry J. Morgan for Pettr



Estimate

Orig - Bill

George H. Wilbur on  
 12 1st March Rules Bill  
 1st March Sha not Ed  
 in time talia modo  
 21 March Rules Contd  
 142 April " "  
 1st May Rules alias Sha  
 Exd + D. Chis  
 21 May Rules D. Chis  
 Exd + Cause set for  
 hearing by 1st  
 no. Decree for sale  
 and continued  
 1892 Nov. Contd  
 1893 Mr. Decree final



Virginia, Lee County, To Wit

TO J. M. Thompson CONSTABLE OF SAID COUNTY:

I HEREBY COMMAND YOU TO SUMMON

George Wilborn if to be found in your  
District to appear at my office in said County, on the 14 day of Nov 1891 before me or such other Justice  
of said County as may then be called to try this Warrant; to answer the complaint of C. E. Boyler  
and upon a claim for money not exceeding \$100.00 (one hundred dollars) to wit: for the sum of \$9.66 due by late And then  
and there make return of this Warrant. Given under my hand, the 12 day of Nov 1891 C. R. Lyles J. P.

AGAINST

On the 14 day of Nov 1891

In Debt.

At my office in said County.

JUDGMENT. That the plaintiff recover of George Wilborn the sum of \$9.66 with interest thereon from the 14 day of Nov 1891 till paid; and \$1.00 for costs. C. R. Lyles J. P.

VIRGINIA, LEE COUNTY TO WIT: TO J. M. Thompson Constable of said County.

I command you in the name of the Commonwealth of Virginia, that of the goods and chattels of Geo. H. Wilborn  
in your county you cause to be made the sum of \$9.66 with interest from the 14 day of Nov 1891 till paid; which  
has recovered before me in a warrant in cell and also the sum of \$1.00 which were judged to the  
said Geo. H. Wilborn for costs in prosecuting said warrant. Given under my hand the 14 day of Nov 1891 C. R. Lyles J. P.

J. H. Hobbs, Printer, Rose Hill, Va.

vs. Bayles  
George Wilborn

C E Bayles  
vs } Warrant  
Geo H Wilborn

Ex parte Jan  
13 1891

H M Thompson  
C S C

No personal  
property found

J. M. Thompson  
C S C

(B)



Virginia, Lee County, To Wit

*J. M. Shampeon* CONSTABLE OF SAID COUNTY:  
I HEREBY COMMAND YOU TO SUMMON *George Wilson* if to be found in your  
District to appear at *my office* in said County, on the *14* day of *Nov* 18*91* before me or such other Justice  
of said County as may then be there to try this Warrant: to answer the complaint of *C. E. Bayler*  
and upon a claim for money not exceeding \$100.00 each side of which, to wit: for the sum of \$*24.94* due by *rate* And then  
and there make return of this Warrant. Given under my hand, the *13* day of *Nov* 18*91* *C. H. Gyles* J. P.

On the *14* day of *Nov* 18*91*  
AGAINST } In Debt.  
At *my office* in said County.  
JUDGMENT. That the plaintiff recover of *George Wilson* \$*28.86* with interest thereon from the *13* day of *Nov* 18*91*  
till paid; and \$..... for costs. *C. H. Gyles* J. P.

VIRGINIA, LEE COUNTY-Y-TO WIT -TO *J. M. Shampeon* Constable of said County.

I command you in the name of the Commonwealth of Virginia, that of the goods and chattels of *Geo. H. Wilkins*  
in your county you cause to be made the sum of \$*28.86* with interest from the *13* day of *Nov* 18*91* till paid; which  
has recovered before me in a warrant in debt and also the sum of \$*1.00* which were judged to the  
said *C. E. Bayler* for costs in prosecuting said warrant. Given under my hand the *14* day of *Nov* 18*91* *C. H. Gyles* J. P.

Warrant - C. E. Bayler  
George Wilborn D.

C. E. Bayler  
vs { Warrant  
Geo H Wilborn

Ex parte  
Jan 13<sup>th</sup> 1891  
J M Thompson

C. E. C.  
No personal  
property  
found  
J M Thompson  
C. E. C.

(A)



Charles E. Naylor      Plff  
vs.  
George H. Wilburn      Dft } In lch

On calling this cause at the present term It was assumed at the bar by the counsel of the Plff that the judgments at law, to enforce the payment of which had been fully paid by the defendant together with the costs of suit, without selling the land. Therefore decreed to be sold in this cause. It is therefore adjudged ordered and decreed, that the parties be hence dismissed and the cause stricken from the docket.



Chas E. Bayler

v. { Deane No. 2 Final

George H. Kilbourne

Entered Chas O.B.  
page 438, March  
8<sup>th</sup> 1893 J. A. Hyatt & Co

Entered this  
March 8, 1893 -

K. S. Hyatt



C. E. Baylor

Plff

vs.

G. Walburn & al Defts

In Chy

This cause came on this day to be heard on the bill of the plff and Exhibits therewith, taken & confessed by the defts, - - - - -

- - - - - and was argued by counsel. On consideration whereof it is adjudged ordered and decreed that the Plff recover against the debt G. H. Walburne the sum of \$37.54 with legal interest on \$35.54 thereof from Nov. 14 1891. till paid and the costs of this suit, and it appearing to the court that the two judgments at law in the bill mentioned amounting in the aggregate to the sum above decreed the plaintiff operate as liens on the 28 acres tract of land on which the debt Walburne resides & that the same is liable to be taken and applied to the payment of said sum and the costs of suit, It is therefore adjudged ordered and decreed, that unless the debt, Walburne or some one for him, shall pay to the plaintiff the sum above decreed him, within 20 days from this date, then that the tract of land in the bill mentioned or so much thereof as may be necessary be sold on a credit of 6 months with interest from day of sale but the cost of suit and sale is required to be paid in hand. Said sale shall be made at the Court door of the Court house of San County on some court day



at public Auction to the highest bidder and after  
said sale shall have been advertised 30 days  
prior thereto showing time, terms and place of  
sale. And J. A. G. Skiff is appointed a commissioner  
to make said sale who before doing so is required  
to execute bond before the Court in the sum of \$100. with  
security with constitution to account for all money  
he may receive in the cause. He will report  
his action to the Court and the cause is continued

L. E. Bayles

vs. } Deane No 1

A. H. McElburne vs. al

Centered Chy 0. B.  
page 408. June 10/92  
J. A. G. Skiff

Exeter this

June 10 1892

J. A. G. Skiff



# The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting

We Command You to Summon

*George H. Willbourne*  
*and N. H. Henegar*

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday  
in *March* next, being rule day to answer a bill in Chancery exhibited in our said Court

against

*them*

by

*Charles E. Bayton*

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This *16<sup>th</sup>* day of *February* 18*92*, in the 11<sup>th</sup> year of the Commonwealth.

*J. A. G. Hyatt* Clerk.

A Copy Teste



(H. J. M.)

Charles E. Baylon

vs <sup>3</sup>/<sub>4</sub> Spain in Chey

George H. Wilbourn et al

Lo 1st March Rules 1892

Enforced by  
Delivering an  
official Copy of  
the within Summons  
to George H. Wilbourn  
& N. W. Kenegar this  
Mch 5-1892.

J. H. Weston D. S.  
for C. E. Alanary  
S. L. C.



# The Commonwealth of Virginia.

TO THE SHERIFF OF LEE COUNTY GREETING:

*again*  
We Command You to Summon

*George W. Wilbourne*  
*and A. D. Denager*

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday in  
*May* ..... next, being rule day to answer a bill in Chancery exhibited in our said Court against  
..... *them* ..... by .....

*Chas. E. Baylor*

And have then and there this writ Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse. This *20<sup>th</sup>* day of *April* ... 18*92*, in the 11*6* year of the Commonwealth.

*J. A. G. Hyatt* Clerk.

A Copy Teste



W. M.

Chas E. Bayles

3 Alvin Sp

us 3 In Chancery

Geo. W. Wilbourne

To 1st May Rules 1892

executed by Delivery  
an office copy of

the within Summons

to George W. Wilbourne

and N. H. Hargan

this April 30 - 1892

J. H. Watson & S. for

C. E. Alamy

S. L. L.